

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

SARA C. MULLEN,

Plaintiff,

v.

Case No. 3:20-cv-335-TJC-JBT

ANDREW M. SAUL,
Commissioner of the
Social Security Administration,

Defendant.

ORDER

This case is before the Court on plaintiff's appeal of an administrative decision denying her claim for a period of disability and disability insurance benefits under the Social Security Act (Doc. 1). The parties filed briefs and the administrative record. Upon review of these filings, the assigned United States Magistrate Judge issued a Report and Recommendation (Doc. 23) recommending that the Commissioner's decision be reversed and remanded for further proceedings. The Commissioner did not file any objections to the Report and Recommendation and the time in which to do so has now passed.

Accordingly, upon independent review of the file and for the reasons stated in the Report and Recommendation issued by the Magistrate Judge, it is hereby

ORDERED:

1. The Report and Recommendation of the Magistrate Judge (Doc. 23) is **ADOPTED** as the opinion of the Court.

2. The decision of the Commissioner is **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the Commissioner shall (a) actually compare the original and new medical evidence in determining whether there has been medical improvement; (b) include the CPD in the administrative record; (c) state with particularity the weight given to the opinions of Dr. Bauer, and the reasons therefor; (d) reconsider plaintiff's RFC if appropriate; and (e) conduct any further proceedings deemed appropriate.

3. The Clerk is directed to enter judgment in favor of plaintiff and against the Commissioner and close the file.

4. In the event that benefits are awarded on remand, pursuant to Federal Rule of Civil Procedure 54(d)(2)(B), plaintiff's attorney is sua sponte granted an extension of time in which to file a petition for authorization of attorney's fees under § 406(b) or § 1383(d)(2) until thirty days after the date of the Commissioner's letter sent to plaintiff's counsel of record at the conclusion of the Agency's past-due benefit calculation stating the amount withheld for attorney's fees. See In re: Procedures for Applying for Attorney's Fees Under 42 U.S.C. §§ 406(b) and 1383(d)(2), Case No. 6:12-mc-124-Orl-22 (M.D. Fla. Nov.

13, 2012). The time limits for filing a motion for attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, are not affected by this extension.

DONE AND ORDERED in Jacksonville, Florida this 2nd day of February, 2021.



Timothy J. Corrigan
TIMOTHY J. CORRIGAN
United States District Judge

s.
copies:

Honorable Joel B. Toomey
United States Magistrate Judge

counsel of record